

**Kartar Singh Virk**

**vs**

**The State Of Punjab**

Punjab-Haryana High Court

9 May 1997

Citations: (1997) 116 PLR 573

Bench: K Sreedharan, J L Gupta

## JUDGMENT

Jawahar Lal Gupta, J.

1. The petitioner had retired as a Naib Tehsildar on September 30, 1993. On August 31, 1995, he had undergone coronary artery bypass graft surgery. He was discharged from the Hospital on September 11, 1995. The petitioner had incurred an expenditure of Rs. 1,54,137,11. On January 3, 1996, he had submitted the bill to the Deputy Commissioner, Sangrur. He was directed to approach the Deputy - Commissioner, Ludhiana within whose jurisdiction he was residing at that time. Repeated representation having yielded no result, the petitioner has approached this court with a prayer for the issue of a writ of mandamus directing the respondents to reimburse the amount alongwith interest.

2. On behalf of the respondents, a written statement has been filed by the Deputy Commissioner, Ludhiana. The petitioner's averment that he had got acute pain in chest on August 25, 1995 when he was with his sister in Delhi, has been controverted. It has been further pointed out that he was required to "get himself medically examined from the civil Surgeon, Ludhiana ....". He could have referred "his case to be approved medical Institution." It has been further stated that the petitioner's claim is under consideration of the Government.

3. We have examined the pleadings of the parties and heard the learned counsel for the respondents.

4. Admittedly, the petitioner had submitted the bill for reimbursement on January 23, 1996. A period of more than a year has elapsed since then. No reason whatsoever has been disclosed for the delay in settling the bill. Still further, as observed by the Apex Court in *State of Punjab v. Mohinder Singh Chawla*, JT 1997(1) SC 416, the right to health is an integral part of the right to life. The Government is under an obligation to provide adequate facilities and to reimburse the expenses incurred by a serving or retired civil servant for treatment. This matter has been considered in detail by a Division Bench of this Court in *Ram Lubhaya Bagga v. Punjab State etc.*, Civil Writ Petition No. 13872 of 1996, which was decided on March 21, 1997. It was held that the instructions issued by the Government by which it was directed that reimbursement of expenses shall be at the rates which are prevalent in the All India Institute of Medical Sciences, were held to be illegal. In view of these decisions, counsel for the respondents was not able to controvert the petitioner's claim.

5. Resultantly, the writ petition is allowed. It is directed that the amount of Rs. 1,54,137,11 shall be paid to the petitioner within one month from the date of receipt of a copy of this order. In case of default, the petitioner shall be entitled to the payment with interest @ 12% per annum from the date of default to the date of payment. However, the petitioner's claim for interest on account of delay is declined in view of the decision of the Supreme Court in Om Parkash Garg v. State of Punjab, JT 1996(10) SC 36. No Costs